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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,650	09/12/2003	Chia Chun Tung	AFS16	9390

7590 07/10/2006

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EXAMINER

PHU, SANH D

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/662,650	TUNG, CHIA CHUN	
	Examiner	Art Unit	
	Sanh D. Phu	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 6 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections – 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boesen (6,560,468) (hereinafter simply referred to as Boesen I), in view of Boesen (6,694,180), (hereinafter simply referred to as Boesen II), and Juneau et al (6,473,512).

–Regarding to claim 1, Boesen I discloses a bluetooth ear piece (short range ear piece, 12) comprising (see figure 2), wherein the bluetooth earpiece comprises:

a receiver device (26) (see figure 3) for attaching onto ears of users (see col. 3, lines 20–35), and

a talking device (22) (see figure 3) for talking phones (see abstract, lines 1–6, col. 3, line 66 to col. 4, line 48); and

a circuit board including a speaker (24) (see figure 3) coupled thereto and attached to said receiver device for receiving the phones, a microphone (46) (see figure 3) coupled to said circuit board and attached to said talking device for talking the phones via device (26) (see col. 3, lines 20–24, col. 3, line 66 to col. 4, line 48).

Boesen I does not disclose a temperature detector attached to said receiver device for detecting body temperature of the users, as claimed.

Boesen II teaches a temperature detector (including (64)) attached to a receiver device (2) of an ear piece for detecting body temperature of its user and having said detected body temperature wirelessly transmitted for further processing (see figure 3, and col. 6, lines 21–49).

Juneau et al teaches that wireless communication devices can be designed in miniature so that composite devices of them can be housed within an ear piece device for providing multiple communication services (see col. 11, lines 18–27).

It would have been obvious for a person skilled in the art to implement the ear piece, in Boesen I, with a temperature detector, as taught by Boesen II, to be attached to the receiver device (26) (see Boesen I, figure 3) for detecting body temperature of its user and have the detected body temperature wirelessly transmitted for further processing in such a way that the devices within the ear piece, e.g., the talking device (22), the circuit board, the temperature detector, etc., would be designed in miniature, as taught by Juneau et al, so that they could be housed within the ear piece for providing a service for telephone communication and also a service for body temperature detection and transmission.

-Regarding to claim 2, Boesen I teaches that said circuit board (12) (see Fig. 2) includes a processor Unit (40) (see figure 2), a Bluetooth circuit (a transceiver circuit (4), see figure 2 and col. 4, line 41) coupled to said processor Unit, and an antenna (70) (see figure 2) coupled to said Bluetooth circuit for telecommunicating purposes (see col. 4, lines 25-48).

-Regarding to claim 6, Boesen I in view of Boesen II and Juneau et al teaches a receiver (10) (see Boesen II, figure 4) to receive the body temperature

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of the users from said ear piece (see Boesen II, col. 4, lines 7-21, col. 6, lines 50-56).

Allowable Subject Matter

3. Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

-Regarding to claim 3, the applied references fail to teach the Bluetooth ear piece wherein said circuit board includes a modulator coupled between said CPU and said speaker and said microphone respectively.

-Regarding to claim 4, the applied references fail to teach the Bluetooth ear piece wherein said circuit board includes a temperature detecting circuit coupled between said CPU and said temperature detector for actuating said temperature detector to detect the body temperature of the users.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Boesen (6,738,485) and Juneau et al (6,473,512).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on M-Th from 7:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Sanh D. Phu
Examiner
Division 2618

SP

A handwritten signature in black ink, appearing to read "Sanh D. Phu".

3/27/06

**SANH D. PHU
PATENT EXAMINER**